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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,761

08/08/2006

Yoav Guthman

27619U

2790

20529

7590

06/24/2010

THE NATH LAW GROUP

112 South West Street

Alexandria, VA 22314

EXAMINER

MIGGINS, MICHAEL C

ART UNIT

PAPER NUMBER

1782

MAIL DATE

DELIVERY MODE

06/24/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,761	<b>Applicant(s)</b> GUTHMAN ET AL.	
	<b>Examiner</b> Michael C. Miggs	<b>Art Unit</b> 1782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 8/8/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 31-48, 54 and 55 is/are pending in the application.
- 4a) Of the above claim(s) 43-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-42, 46-48, 54 and 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/13/09, 4/25/08, 3/19/07</u> .                               | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of group I, claims 31-42, 46-48 and 54-55 in the reply filed on 3/31/10 is acknowledged.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31-42, 46-48 and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckman et al. (US 4059400) in view of Wojcik et al. (US 6375781).

Heckman discloses a method for wrapping an article with a heat shrinkable polymeric film comprising providing a polymeric film produced by a process including stretching said film mainly in its longitudinal direction, surrounding at least a portion of the outer surface of said article with a portion of said heat shrinkable polymeric film and heating said heat shrinkable film so as to shrink it around said article, further comprising wrap around method or sleeve method, wherein the article is a container, wherein said container is cylindrical and has a non-uniform diameter with the circumference of one location being 30% or 50% or more smaller than a circumference in a second location, wherein the shrinkable film is used with its shrinkable dimension in the direction of the film flow, wherein said film shrinks to between 90% and about 10% of its orientation, or

Art Unit: 1782

40% or less of its original dimensions, wherein the polymeric film is polystyrene or polyolefins such as polyethylene or polypropylene, wherein the film is a barrier to gas such as nitrogen, air, water etc., wherein the film is a multilayer produced by lamination (column 3, lines 19-68, column 7, line 63 through column 9, line 26 and Figs. 2-3 and 6).

Heckman fails to disclose stretching being by means comprising at least one pair of rollers rotating in mutually different linear velocities.

Wojcik discloses stretching being by means comprising at least one pair of rollers rotating in mutually different linear velocities (column 1, lines 40-50, column 2, lines 15-36) for the purpose of providing fewer draw rollers, operate at higher line speeds with lower draw distance between rollers and produce films with higher draw ratios and less neck in.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided stretching being by means comprising at least one pair of rollers rotating in mutually different linear velocities in Heckman in order to provide fewer draw rollers, operate at higher line speeds with lower draw distance between rollers and produce films with higher draw ratios and less neck in.

The combined teachings of Heckman and Wojcik disclose the claimed invention except for the specific gap between rollers recited in claims 1-2. However, Wojcik discloses that the draw gap is to be minimized (column 2, lines 15-24, column 3, lines 18-36). Thus one of ordinary skill in the art would have recognized that the gap between rollers would be readily determined through routine experimentation depending on the desired end results absent some showing of unexpected results. Further, it

Art Unit: 1782

would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided applicant's recited gap between rollers in order to provide fewer draw rollers, operate at higher line speeds with lower draw distance between rollers and produce films with higher draw ratios and less neck in, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges or an optimum value of a result effective variable involves only routine skill in the art. See MPEP 2144.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1782

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C. Miggins/  
Primary Examiner, Art Unit 1782

MCM  
June 21, 2010